

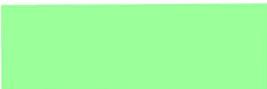


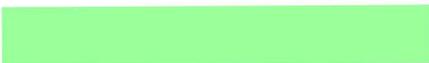
U.S. Citizenship  
and Immigration  
Services

(b)(6)



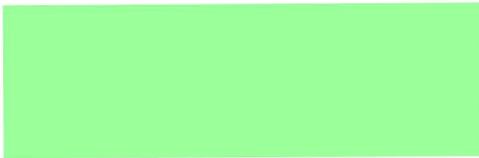
Date: **JAN 15 2014**

Office: VERMONT SERVICE CENTER File: 

IN RE: Petitioner: 

PETITION: Petition for Immigrant Abused Spouse Pursuant to Section 204(a)(1)(A)(iii) of the Immigration and Nationality Act, 8 U.S.C. § 1154(a)(1)(A)(iii)

ON BEHALF OF PETITIONER:

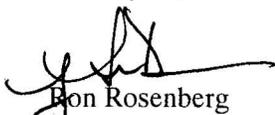


INSTRUCTIONS:

Enclosed please find the decision of the Administrative Appeals Office (AAO) in your case.

This is a non-precedent decision. The AAO does not announce new constructions of law nor establish agency policy through non-precedent decisions. If you believe the AAO incorrectly applied current law or policy to your case or if you seek to present new facts for consideration, you may file a motion to reconsider or a motion to reopen, respectively. Any motion must be filed on a Notice of Appeal or Motion (Form I-290B) within 33 days of the date of this decision. **Please review the Form I-290B instructions at <http://www.uscis.gov/forms> for the latest information on fee, filing location, and other requirements. See also 8 C.F.R. § 103.5. Do not file a motion directly with the AAO.**

Thank you,

  
Ron Rosenberg  
Chief, Administrative Appeals Office

**DISCUSSION:** The Director, Vermont Service Center (“the director”), denied the immigrant visa petition. The matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be summarily dismissed.

The petitioner seeks immigrant classification pursuant to section 204(a)(1)(A)(iii) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1154(a)(1)(A)(iii), as an alien battered or subjected to extreme cruelty by a U.S. citizen.

The director denied the petition for failure to establish that the petitioner was battered or subjected to extreme cruelty by his wife during their marriage, the petitioner married his wife in good faith and resided with his wife, and the petitioner is a person of good moral character.

In the appeal notice counsel asserts that the petitioner’s evidence demonstrated the bona fides of the petitioner’s marriage, and that the petitioner’s wife subjected the petitioner to psychological abuse during their marriage. Counsel further declares that the director should have considered the petitioner’s health in the battered spouse determination. No brief or new evidence was submitted on appeal, despite counsel’s assertions on the appeal notice that additional evidence would be submitted to the AAO within 30 days.

An officer to whom an appeal is taken shall summarily dismiss any appeal when the party concerned fails to identify specifically any erroneous conclusion of law or statement of fact for the appeal. 8 C.F.R. § 103.3(a)(1)(v). Counsel asserts that the director should have considered the petitioner’s health, but fails to explain the relevancy of the petitioner’s health in the director’s decision. Counsel’s brief statement in the appeal notice about the evidence does not identify any specific, erroneous conclusion of law or statement of fact in the director’s decision. As counsel does not meaningfully address any of the director’s grounds for denial of the petition, the appeal must be summarily dismissed in accordance with 8 C.F.R. § 103.3(a)(1)(v).

In these proceedings, the petitioner bears the burden of proof to establish his eligibility by a preponderance of the evidence. Section 291 of the Act, 8 U.S.C. § 1361; *Matter of Otiende*, 26 I&N Dec. 127, 128 (BIA 2013); *Matter of Chawathe*, 25 I&N Dec. 369, 375 (AAO 2010). He has not met his burden and the appeal will be summarily dismissed.

**ORDER:** The appeal is summarily dismissed.